

STATE OF VERMONT  
PUBLIC SERVICE BOARD

Docket No. 7373

Joint Petition of Vermont Electric Power Company, Inc., )  
Vermont Transco, LLC, and Central Vermont Public )  
Service Corporation for a certificate of public good, )  
pursuant to 30 V.S.A. Section 248, authorizing the )  
construction of the Southern Loop Transmission )  
Upgrade Project )

Order entered: 7/30/2008

**ORDER RE: VELCO NOTICE OF OBJECTION**

On July 9, 2008, Vermont Electric Power Company, Inc., and Vermont Transco, LLC, (collectively, "VELCO") filed a letter with the Public Service Board ("Board") that states, in its entirety:

Pursuant to Public Service Board Rule 2.216(C), this letter serves to notify the Board that Vermont Electric Power Company, Inc. and Vermont Transco LLC (collectively, "VELCO") may object to certain portions of the prefiled testimony submitted by the Vermont Agency of Natural Resources ("ANR") to the extent such testimony raises issues beyond the scope of the criteria articulated under 30 V.S.A. § 248 or exceeding ANR's jurisdiction in this proceeding. At this time, VELCO is not moving the Board to take any action with respect to the testimony, as we are pursuing a cooperative dialogue with ANR. However, by this letter VELCO wishes to preserve its right to file a formal motion at a later date if it is deemed necessary.

On July 10, 2008, Carl and Judy Ferenbach submitted a letter requesting that the Board disallow and strike VELCO's notice of objection. In support of their request, the Ferenbachs assert that:

it is impossible to tell from the notice, with any element of exactness, what prefiled testimony is at risk or being referred to. If the notice is allowed to stand, then by implication the Petitioners would have been allowed to put the entire prefiled testimony of the Agency of Natural Resources at risk and create a special extended period for objection.

Rule 2.216(C) of the Rules of Practice for proceedings before the Board requires in applicable part that "[o]bjections to the admissibility of prefiled testimony or exhibits shall be

filed in writing not more than thirty days after such evidence has been prefiled." Although filed within 30 days of the prefilings of the testimony of the Agency for Natural Resources with the Board on June 9, 2008, VELCO's July 9 letter does not identify any portion of the prefiled testimony to which any objection relates or provide any reasons why such testimony may raise issues "beyond the scope of the criteria articulated under 30 V.S.A. § 248 or exceeding ANR's jurisdiction in this proceeding."

In fact, although captioned as a Notice of Objection, the letter contains no actual objection to the admissibility of the prefiled testimony or request for an extension or waiver of the rule. The letter merely states that VELCO "may object" to certain portions of the prefiled testimony and wishes "to preserve its right to file a formal motion at a later date if it is deemed necessary." Through its letter, VELCO attempts to extend a procedural deadline for objection rather than filing an actual objection to the admissibility of any portion of the prefiled testimony. To accept VELCO's July 9 letter as an objection pursuant to Rule 2.216(C) would undermine the very purpose of this rule, by allowing a party to preserve the right to object to prefiled testimony beyond the 30-day period so long as it reserved the right within that period to object at a later date. Accordingly, VELCO's Notice of Objection is disallowed.

SO ORDERED.

Dated at Montpelier, Vermont, this 30<sup>th</sup> day of July, 2008.

<u>s/James Volz</u>	)	
	)	PUBLIC SERVICE
	)	
<u>s/David C. Coen</u>	)	BOARD
	)	
	)	OF VERMONT
<u>s/John D. Burke</u>	)	

OFFICE OF THE CLERK

FILED: July 30, 2008

ATTEST: s/Susan M. Hudson

Clerk of the Board

*NOTICE TO READERS: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Board (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: [psb.clerk@state.vt.us](mailto:psb.clerk@state.vt.us))*